

ENTERED

August 11, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

In re:

VOLUSION, LLC,¹

Debtor.

)

) Chapter 11

)

) Case No. 20-50082 (DRJ)

)

)

) **Relates to Docket Nos. 188, 218, and
219****AGREED ORDER SETTING DEADLINES WITH RESPECT TO
THE REORGANIZED DEBTOR'S OBJECTION TO THE PROOF
OF CLAIM FILED BY THE WASHINGTON STATE DEPARTMENT OF REVENUE**

In respect of Claim No. 29 (the "Claim") filed by the Washington Department of Revenue (the "Claimant") against Volusion, LLC, and upon the objection to the Claim filed by the above-captioned reorganized debtor (the "Reorganized Debtor" and together with the Claimant, the "Parties") through the *Reorganized Debtor's Objection to Proof of Claim No. 29 Filed by the Washington State Department of Revenue* [Docket No. 188] (the "Claim Objection") and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Claim Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; the Parties hereby stipulate and agree, and the Court hereby ORDERS as follows:

¹ The Reorganized Debtor in this chapter 11 case, along with the last four digits of the Reorganized Debtor's federal tax identification number, is: Volusion, LLC (9037). The Reorganized Debtor's service address is 1835A Kramer Lane, Suite 100, Austin, TX 78758.

1. The Parties agree that all fact discovery related to the Claim Objection must be served so as to be responded to within the time allowed under the Federal Rules of Civil Procedure on or before **July 7, 2021** (the “Fact Discovery Deadline”), unless extended by agreement of the Parties. Should the Parties be unable to agree to an extension of this deadline, a Party may apply to the Court for cause, including, but not limited to, delays caused by third parties to whom a subpoena was timely served. Deposition notices must be served no later than seven (7) days prior to the deposition date, and any objections thereto must be served no later than three (3) days before the deposition date. Notwithstanding the foregoing, if a party designates a fact witness to testify who has not been deposed, the deadline to serve a deposition notice shall be three days after the witness designation.

2. The deadline to simultaneously exchange reports prepared by expert witnesses is **August 6, 2021 at 5:00 p.m. prevailing Central Time**. These reports must satisfy the requirements of Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure.

3. The deadline to simultaneously exchange rebuttal reports prepared by expert witnesses is **September 3, 2021, at 5:00 p.m. prevailing Central Time**. These disclosures must satisfy the requirements of Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure.

4. The deadline to complete all expert discovery related to the Claim Objection is **September 13, 2021**. Deposition notices must be served no later than seven (7) days prior to the deposition date, and any objections thereto must be served no later than three (3) days before the deposition date.

5. Parties submitting evidence at the hearing on the Claim Objection (the “Claim Objection Hearing”) shall exchange witness and exhibit lists by **September 22, at 12:00 p.m., prevailing Central Time**. Witness and exhibit lists shall identify all witnesses that each Party

will call or may call at the Trial on the Claim Objection and shall provide a brief summary of each witness' anticipated testimony.

6. The Court will conduct an evidentiary hearing on the Claim Objection on **September 29, 2021**, at 9:00 a. .m. prevailing Central Time (the "Trial").

7. Parties may submit trial briefs no later than **seven (7) days** prior to the Trial.

8. Any deadline established in this Agreed Order may be extended by agreement of the Parties without further order from the Court, or, in the absence of such agreement, upon submission to the Court or good cause shown. Any request for continuance of the Trial date must be submitted to the Court for consideration. In the event that the matter is subsequently reset, the Parties shall confer and submit a stipulated amended scheduling order.

9. The conference required by Rule 26(f) of the Federal Rules of Civil Procedure is hereby satisfied through the Parties' entry of this Agreed Order.

10. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Agreed Order.

Signed: August 11, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND SUBSTANCE:

Dated: June 2, 2021

/s/ Jennifer F. Wertz

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